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Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

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Office of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of his Office[1] and the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its sixty-seventh session[2] and the decisions contained therein,

Recalling its previous annual resolutions on the work of the Office of the United Nations High Commissioner for Refugees since its establishment by the General Assembly,

Expressing deep concern that the number of people who are forcibly displaced owing to, inter alia, conflict, persecution and violence, including terrorism, has reached the highest level since the Second World War,

Noting with grave concern that, despite the tremendous generosity of host countries and donors, including unprecedented levels of humanitarian funding, the gap between needs and humanitarian funding continues to grow,

Recognizing that forced displacement has, inter alia, humanitarian and development implications,

Expressing its appreciation for the leadership shown by the High Commissioner,

[1] *Official Records of the General Assembly, Seventy-first Session, Supplement No. 12* (A/71/12).
[2] Ibid., *Supplement No. 12A* (A/71/12/Add.1).

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Commending the staff of the Office of the High Commissioner and its partners for the competent, courageous and dedicated manner in which they discharge their responsibilities,

Underlining its strong condemnation of all forms of violence to which humanitarian personnel and United Nations and associated personnel are increasingly exposed,

Reaffirming the need for consistency with international law, including international refugee law, and relevant General Assembly resolutions that may concern the work of the Office of the High Commissioner, and taking into account national policies, priorities and realities,

Recalling its resolution 46/182 of 19 December 1991 on the strengthening of the coordination of emergency humanitarian assistance of the United Nations and all subsequent General Assembly resolutions on the subject, including resolution 70/106 of 10 December 2015,

1. *Welcomes* the important work undertaken by the Office of the United Nations High Commissioner for Refugees and its Executive Committee in the course of the year, which is aimed at strengthening the international protection regime and at assisting Governments in meeting their protection responsibilities;

2. *Endorses* the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its sixty-seventh session;[2]

3. *Welcomes* the resumption by the Executive Committee of the practice of adopting conclusions on international protection, and notes with appreciation the adoption of the conclusions on youth[3] and on international cooperation from a protection and solutions perspective;[4]

4. *Recalls* the high-level segments of the sixty-fourth, sixty-fifth and sixty-sixth sessions of the Executive Committee, renews its call upon all States to provide the necessary support with a view to sharing the burden of the host countries, and underscores the critical importance of development support for host communities;

5. *Notes with appreciation* the adoption of the New York Declaration for Refugees and Migrants[5] and its two annexes at the General Assembly summit on addressing large movements of refugees and migrants, on 19 September 2016, and encourages States to implement the commitments made therein;

6. *Notes* the significant global and regional initiatives, conferences and summits undertaken in 2015 and 2016 to strengthen international solidarity with and cooperation for refugees and other persons of concern, specifically the Brussels conference on 4 and 5 October 2016, the high-level meeting on global responsibility-sharing through pathways for admission convened by the Office of the High Commissioner in Geneva on 30 March 2016, the London conference on 4 February 2016, the pledging conference in Brussels on 21 October 2015, and the

[2] Ibid., chap. III, sect. B.
[3] Ibid., chap. III, sect. A.
[4] Resolution 71/1.

World Humanitarian Summit in Istanbul, Turkey, on 23 and 24 May 2016,[6] while recognizing that this summit did not have an intergovernmentally agreed outcome, and encourages those who participated to implement their commitments made therein;

7. *Reaffirms* the 1951 Convention relating to the Status of Refugees[7] and the 1967 Protocol thereto[8] as the foundation of the international refugee protection regime, recognizes the importance of their full and effective application by States parties and the values they embody, notes with satisfaction that 148 States are now parties to one or both instruments, encourages States not parties to consider acceding to those instruments and States parties with reservations to give consideration to withdrawing them, underlines, in particular, the importance of full respect for the principle of non-refoulement, and recognizes that a number of States not parties to the international refugee instruments have shown a generous approach to hosting refugees;

8. *Urges* States that are parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto to respect their obligations in letter and spirit;

9. *Re-emphasizes* that the protection of refugees is primarily the responsibility of States, whose full and effective cooperation, action and political resolve are required to enable the Office of the High Commissioner to fulfil its mandated functions, and strongly emphasizes, in this context, the importance of active international solidarity and burden- and responsibility-sharing;

10. *Welcomes* recent accessions to the 1954 Convention relating to the Status of Stateless Persons[9] and the 1961 Convention on the Reduction of Statelessness,[10] and notes that 89 States are now parties to the 1954 Convention and 68 States are parties to the 1961 Convention, encourages States that have not done so to give consideration to acceding to those instruments, notes the work of the United Nations High Commissioner for Refugees in regard to identifying stateless persons, preventing and reducing statelessness and protecting stateless persons, and urges the Office of the High Commissioner to continue to work in this area in accordance with relevant General Assembly resolutions and Executive Committee conclusions;

11. *Re-emphasizes* that prevention and reduction of statelessness are primarily the responsibility of States, in appropriate cooperation with the international community, in this regard welcomes the global campaign to end statelessness within a decade and encourages all States to consider actions they may take to further the prevention and reduction of statelessness, and welcomes efforts that have been made by States in this regard;

12. *Also re-emphasizes* that protection of and assistance to internally displaced persons are primarily the responsibility of States, in appropriate

[6] See A/70/709.
[7] United Nations, *Treaty Series*, vol. 189, No. 2545.
[8] Ibid., vol. 606, No. 8791.
[9] Ibid., vol. 360, No. 5158.
[10] Ibid., vol. 989, No. 14458.

cooperation with the international community, aimed at, inter alia, facilitating voluntary safe and dignified return to their homes;

13. *Notes* the current activities of the Office of the High Commissioner related to protection of and assistance to internally displaced persons, including in the context of inter-agency arrangements in this field, emphasizes that such activities should be carried out with the full consent of the affected States, consistent with relevant General Assembly resolutions, and should not undermine the refugee mandate of the Office and the institution of asylum, and encourages the High Commissioner to continue his dialogue with States on the role of his Office in this regard;

14. *Encourages* the Office of the High Commissioner to continue to respond adequately to emergencies, in accordance with its mandate and in cooperation with States, notes the measures taken by the Office to strengthen its capacity to respond to emergencies, and encourages the Office to pursue its efforts to further strengthen its emergency capacity and thereby ensure a more predictable, effective and timely response;

15. *Also encourages* the Office of the High Commissioner to work in partnership and in full cooperation with relevant national authorities, United Nations offices and agencies, international and intergovernmental organizations, regional organizations, the private sector and non-governmental organizations to contribute to the continued development of humanitarian response capacities at all levels, and recalls the role of the Office as the leading entity of the clusters for protection, camp coordination and management and emergency shelter in complex emergencies;

16. *Further encourages* the Office of the High Commissioner, among other relevant United Nations and other relevant intergovernmental organizations and humanitarian and development actors, to continue to work with the Office for the Coordination of Humanitarian Affairs of the Secretariat to enhance the coordination, effectiveness and efficiency of humanitarian response and to contribute, in consultation with States, as appropriate, to making further progress towards common humanitarian needs assessments, as stated, among other important issues, in General Assembly resolution 70/106 on the strengthening of the coordination of emergency humanitarian assistance of the United Nations;

17. *Welcomes* the recent efforts by the Office of the High Commissioner to ensure a more inclusive, transparent, predictable and well-coordinated response, to refugees as well as internally displaced persons and other persons of concern, consistent with its mandate, and in this regard takes note of the implementation of the refugee coordination model;

18. *Takes note with appreciation* of the elements set out in the comprehensive refugee response framework contained in annex I of the New York Declaration for Refugees and Migrants,[5] and recalls the request to the Office of the High Commissioner to develop and initiate a comprehensive refugee response based on the principles of international cooperation and on burden- and responsibility-sharing, in close coordination with relevant States, including host countries, and involving other relevant United Nations entities as laid out in annex I of the New York Declaration;

19. *Underlines* the centrality of international cooperation to the refugee protection regime, recognizes the burden that large movements of refugees places on major and long-standing refugee hosting countries and their host communities, and their national resources, especially in the case of developing countries, and calls for a more equitable sharing of the burden and responsibility for hosting and supporting the world's refugees, addressing the needs of refugees and receiving States, while taking account of existing contributions and the differing capacities and resources among States, noting the need for concrete arrangements for equitable and efficient burden- and responsibility-sharing to be elaborated within the framework of the evolving global compact on responsibility-sharing for refugees;

20. *Encourages* the Office of the High Commissioner to engage in and implement in full the objectives of the "Delivering as one" initiative;

21. *Notes with appreciation* the measures taken and efficiencies gained in the process of structural and management change to reinforce the capacity of the Office of the High Commissioner, and encourages the Office to focus on continuous improvement in order to enable a more efficient response to the needs of persons of concern, including identifying unmet needs, and to ensure the effective and transparent use of its resources;

22. *Expresses deep concern* about the increasing threats to the safety and security of humanitarian aid workers and convoys and, in particular, the loss of life of humanitarian personnel working in the most difficult and challenging conditions in order to assist those in need;

23. *Emphasizes* the need for States to ensure that perpetrators of attacks committed on their territory against humanitarian personnel and United Nations and associated personnel do not operate with impunity and that the perpetrators of such acts are promptly brought to justice as provided for by national laws and obligations under international law;

24. *Strongly condemns* attacks on refugees, asylum seekers and internally displaced persons and acts that pose a threat to their personal security and well-being, and calls upon all States concerned and, where applicable, parties involved in an armed conflict to take all measures necessary to respect and ensure respect for human rights and international humanitarian law;

25. *Deplores* the refoulement and unlawful expulsion of refugees and asylum seekers, and calls upon all States concerned to respect the relevant principles of refugee protection and human rights;

26. *Urges* States to uphold the civilian and humanitarian character of refugee camps and settlements, inter alia, through effective measures to prevent the infiltration of armed elements, to identify and separate any such armed elements from refugee populations, to settle refugees in secure locations and to afford to the Office of the High Commissioner and, where appropriate, other humanitarian organizations prompt, unhindered and safe access to asylum seekers, refugees and other persons of concern;

27. *Notes with increasing concern* that asylum seekers, refugees and stateless persons are subject to arbitrary detention in numerous situations and encourages working towards the ending of this practice, welcomes the increasing use of

alternatives to detention, especially in the case of children, and emphasizes the need for States to limit detention of asylum seekers, refugees and stateless persons to that which is necessary, giving full consideration to possible alternatives;

28. *Notes with grave concern* the significant risks to which many refugees and asylum seekers are exposed as they attempt to reach safety, and encourages international cooperation to ensure adequate response mechanisms, including life-saving measures, reception, registration and assistance, as well as to ensure that safe and regular access to asylum for persons in need of international protection remains open and accessible;

29. *Expresses grave concern* at the large number of asylum seekers who have lost their lives at sea trying to reach safety, encourages international cooperation to further strengthen search and rescue mechanisms in accordance with international law, and commends the great life-saving efforts and actions taken by a number of States in this regard;

30. *Emphasizes* that the international protection of refugees is a dynamic and action-oriented function that is at the core of the mandate of the Office of the High Commissioner and that it includes, in cooperation with States and other partners, the promotion and facilitation of the admission, reception and treatment of refugees in accordance with internationally agreed standards and the ensuring of durable, protection-oriented solutions, bearing in mind the particular needs of vulnerable groups and paying special attention to those with specific needs, and notes in this context that the delivery of international protection is a staff-intensive service that requires adequate staff with the appropriate expertise, especially at the field level;

31. *Expresses deep concern* about the long-term impact of cuts in food rations on the health and well-being of refugees globally, particularly in Africa and the Middle East, and especially its impact on children, owing to insufficient funding and increased costs, and in this regard calls upon States to ensure sustained support for the Office of the High Commissioner and the World Food Programme, while looking to provide refugees with alternatives to food assistance, pending a durable solution;

32. *Welcomes* the positive steps taken by individual States to open their labour markets to refugees;

33. *Affirms* the importance of age, gender and diversity mainstreaming in analysing protection needs and ensuring the participation of refugees and other persons of concern to the Office of the High Commissioner, as appropriate, in the planning and implementation of programmes of the Office and of State policies, also affirms the importance of according priority to addressing discrimination, gender inequality and the problem of sexual and gender-based violence, recognizing the importance of addressing the protection needs of women, children and persons with disabilities in particular, and underlines the importance of continuing to work on those issues;

34. *Notes with concern* that a large proportion of the world's out-of-school population lives in conflict-affected areas, and welcomes the commitment in the New York Declaration to lend host countries support in providing quality primary and secondary education in safe learning environments for all refugee children, and

to do so within a few months of the initial displacement, as well as the commitment made in the Incheon Declaration[11] to developing more inclusive, responsive and resilient education systems to meet the needs of children, youth and adults in these contexts, including internally displaced persons and refugees;

35. *Notes* the efforts by the Office of the High Commissioner to improve its humanitarian assistance response, and stresses the importance of tailored, innovative approaches, including cash-based interventions;

36. *Also notes* that the lack of civil registration and related documentation makes persons vulnerable to statelessness and associated protection risks, recognizes that birth registration provides an official record of a child's legal identity and is crucial to preventing and reducing statelessness, and welcomes efforts by States to ensure the birth registration of children;

37. *Strongly reaffirms* the fundamental importance and the purely humanitarian and non-political character of the function of the Office of the High Commissioner of providing international protection to refugees and seeking durable solutions to refugee situations, and recalls that those solutions include voluntary repatriation and, where appropriate and feasible, local integration and resettlement in a third country, while reaffirming that voluntary repatriation, supported, as necessary, by rehabilitation and development assistance to facilitate sustainable reintegration, remains the preferred solution;

38. *Expresses concern* about the particular difficulties faced by the millions of refugees in protracted situations, recognizes that the average length of stay has continued to grow, and emphasizes the need to redouble international efforts and cooperation to find practical and comprehensive approaches to resolving their plight and to realize durable solutions for them, consistent with international law and relevant General Assembly resolutions;

39. *Recognizes* the importance of achieving durable solutions to refugee situations, and, in particular, the need to address in this process the root causes of refugee movements;

40. *Encourages* further efforts by the Office of the High Commissioner, in cooperation with countries hosting refugees and countries of origin, including their respective local communities, relevant United Nations agencies, international and intergovernmental organizations, regional organizations, as appropriate, non-governmental organizations and development actors, to actively promote durable solutions, particularly in protracted refugee situations, with a focus on sustainable, timely, voluntary, safe and dignified return, which encompasses repatriation, reintegration, rehabilitation and reconstruction activities, and encourages States and other relevant actors to continue to support these efforts through, inter alia, the allocation of funds;

41. *Expresses concern* about the current low level of voluntary repatriation, encourages the solution-oriented approach pursued by the Office of the High Commissioner to support the sustainability of voluntary repatriation and reintegration, including from the onset of displacement, and in this regard urges the

[11] Incheon Declaration: Education 2030: Towards inclusive and equitable quality education and lifelong learning for all.

Office to further strengthen partnerships with national Governments and development actors, as well as international financial institutions;

42. *Recognizes*, in the context of voluntary repatriation, the importance of resolute efforts in the country of origin, including rehabilitation and development assistance, to foster the voluntary, safe and dignified return and sustainable reintegration of refugees and to ensure the restoration of national protection;

43. *Acknowledges with appreciation* voluntary action taken by several host countries to enable permanent residence and naturalization for refugees and former refugees;

44. *Calls upon* States to create opportunities for resettlement as a durable solution, acknowledges with appreciation the many countries that continue to offer enhanced resettlement opportunities and recognizes the need to further increase the number of resettlement places and the number of countries with regular resettlement programmes and to improve the integration of resettled refugees, calls upon States to ensure inclusive and non-discriminatory policies in their resettlement programmes, and notes that resettlement is a strategic protection tool and solution for refugees, recalling in this regard the annual resettlement needs identified by the Office of the United Nations High Commissioner for Refugees;

45. *Also calls upon* States to consider creating, expanding or facilitating access to complementary and sustainable pathways to protection and solutions for refugees, in cooperation with relevant partners, including the private sector, where appropriate, including through humanitarian admission or transfer, family reunification, skilled migration, labour mobility schemes, scholarships and education mobility schemes;

46. *Notes with appreciation* the activities undertaken by States to strengthen the regional initiatives that facilitate cooperative policies and approaches on refugees, and encourages States to continue their efforts to address, in a comprehensive manner, the needs of the people who require international protection in their respective regions, including the support provided for host communities that receive large numbers of persons who require international protection;

47. *Notes* the importance of States and the Office of the High Commissioner discussing and clarifying the role of the Office in mixed migratory flows in order to better address protection needs in the context of mixed migratory flows, bearing in mind the particular needs of vulnerable groups, especially women, children and persons with disabilities, including by safeguarding access to asylum for those in need of international protection, and also notes the readiness of the High Commissioner, consistent with his mandate, to assist States in fulfilling their protection responsibilities in this regard;

48. *Emphasizes* the obligation of all States to accept the return of their nationals, calls upon States to facilitate the return of their nationals who have been determined not to be in need of international protection, and affirms the need for the return of persons to be undertaken in a safe and humane manner and with full respect for their human rights and dignity, irrespective of the status of the persons concerned;

49. *Expresses concern* about the challenges associated with climate change and environmental degradation to the operations of the Office of the High Commissioner and the assistance it provides to vulnerable populations of concern across the globe, particularly in the least developed countries, and urges the Office to continue to address such challenges in its work, within its mandate, and in consultation with national authorities and in cooperation with competent agencies in its operations;

50. *Urges* all States and relevant non-governmental and other organizations, in conjunction with the Office of the High Commissioner, in a spirit of international solidarity and burden- and responsibility-sharing, to cooperate and to mobilize resources, including through financial and in-kind assistance, as well as direct aid to host countries, refugee populations and the communities hosting them, with a view to enhancing the capacity of and reducing the heavy burden borne by countries and communities hosting refugees, in particular those that have received large numbers of refugees and asylum seekers, and whose generosity is appreciated;

51. *Calls upon* the Office of the High Commissioner to continue to play its catalytic role in mobilizing assistance from the international community to address the root causes as well as the economic, environmental, developmental, security and social impact of large-scale refugee populations in developing countries, in particular the least developed countries, and countries with economies in transition, and notes with appreciation those host countries, donor States, organizations and individuals that contribute to improving the condition of refugees through building the resilience of refugees and their host communities, while working towards a durable solution;

52. *Expresses concern* that the needs required to protect and assist persons of concern to the Office of the High Commissioner continue to increase and that the gap between global needs and available resources continues to grow, appreciates the continued and increasing hospitality of host countries and generosity of donors, and therefore calls upon the Office to continue and enhance efforts to broaden its donor base so as to achieve greater burden- and responsibility-sharing by reinforcing cooperation with governmental donors, non-governmental donors and the private sector;

53. *Recognizes* that adequate and timely resources are essential for the Office of the High Commissioner to continue to fulfil the mandate conferred upon it through its statute[12] and by subsequent General Assembly resolutions on refugees and other persons of concern, recalls its resolution 58/153 of 22 December 2003 and subsequent resolutions on the Office of the High Commissioner concerning, inter alia, the implementation of paragraph 20 of the statute of the Office, and urges Governments and other donors to respond promptly to annual and supplementary appeals issued by the Office for requirements under its programmes;

54. *Requests* the High Commissioner to report on his annual activities to the General Assembly at its seventy-second session.

[12] Resolution 428 (V), annex.